

IAP6 Rec'd PCT/PTO 14 AUG 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert J. KELLY et al. Confirmation No: 3394
Appl. No. : 10/572,593
Filed : March 20, 2006
Title : Composite Materials Containing Keratin

TC/A.U. : Unassigned
Examiner : Unassigned

Docket No.: : KELL3013/JEK
Customer No: : 23364

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE
AND SUBMISSION OF DECLARATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Defective Response dated May 17, 2007, in connection with the above-identified application. A Petition for an Extension of Time pursuant to 37 CFR §1.136(b) was filed prior to the expiration of the period set for responding to the Notification of Defective Response, requesting that the deadline for response to the Notification of Defective Response be extended to August 17, 2007. The Petition for an Extension of Time was accompanied by the fee stipulated in 37 CFR §1.17(g). A copy of the Petition for an Extension of Time pursuant to 37 CFR 1.136(b) as filed is submitted herewith.

As this response is filed prior to August 17, 2007, Applicants respectfully submit that this response is timely filed.

The Notification of Defective Response indicates that requirements set forth in the Notification of Missing Requirements mailed August 25, 2006 have not been completed. Specifically, the Notification of Defective Response indicates that in order to complete the requirements for acceptance under 35 U.S.C. §371, Applicants must submit an Oath or Declaration in compliance with 37 CFR §1.497(a) and (b). The

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Response dated: August 14, 2007
Reply to Notification of: May 15, 2007

Declaration filed in response to the Notification of Missing Requirements was found not to be in compliance with 37 CFR §1.497(a) and (b) because the Declaration included only three of the seven inventors named in the International Application.

Accordingly, Applicants submit herewith a Declaration in compliance with 37 CFR §1.497(a) and (b). The Declaration submitted herewith is signed by all seven of the inventors identified in the International Application and therefore addresses and remedies the issues raised in the Notification of Defective Response.

While no surcharge is believed to be due in connection with this response, authorization is hereby granted to charge any fees deemed necessary to Deposit Account #02-0200.

In light of this submission, it is believed that the application is now in condition for acceptance under 35 U.S.C. §371. Accordingly, Applicants most respectfully request that the application be accepted under 35 U.S.C. §371 and forwarded to the appropriate examining group for its examination.

Respectfully submitted,
BACON & THOMAS, PLLC

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SAB/cmd

August 14, 2007

JC
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/572,593	Robert James Kelly	KELL3013JEK
INTERNATIONAL APPLICATION NO.		
PCT/NZ04/00216		
I.A. FILING DATE		PRIORITY DATE
09/13/2004		09/19/2003
CONFIRMATION NO. 3394		
371 FORMALITIES LETTER		
 *OC000000023905324*		

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Date 5/18/07 Atty JEK
 Action Due Response
 Deadline 6/17/07
 Final Deadline 6/17/07
 Based on _____

Date Mailed: 05/17/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 03/20/2006
- Copy of the International Search Report filed on 03/20/2006
- Preliminary Amendments filed on 03/20/2006
- Oath or Declaration filed on 10/25/2006
- Small Entity Statement filed on 03/20/2006
- Request for Immediate Examination filed on 03/20/2006
- U.S. Basic National Fees filed on 03/20/2006
- Priority Documents filed on 03/20/2006

Applicant's response filed 10/25/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/25/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - Published application list 7 inventors and only 3 have signed Oath received on 10/25/06.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

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PART 1 - ATTORNEY/APPLICANT COPY

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10/572,593	PCT/NZ04/00216	KELL3013JEK

FORM PCT/DO/EO/916 (371 Formalities Notice)